

Appl. No. 09/637,120
Amdt. Dated 10/24/2005
Reply to Final Office Action of August 26, 2005

REMARKS

This amendment is in response to an Office Action mailed February 10, 2005. In the Office Action, claims 1-3, 6-11, 13, 23-38 and 40-51 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the rejection.

Lack of Evidence of Prior Art

In the Office Action, claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent No. 6,469,711) in view of Gonsalves (U.S. Patent No. 6,571,255) and Doty (U.S. Patent No. 6,795,863). Applicants respectfully point out that Doty has a filing date of August 10, 2000, which is subsequent to the effective filing date of the provisional application (U.S. Provisional Application No. 60/181,779 filed February 11, 2000) upon which the subject application claims the benefit of priority. It is acknowledged that Doty has an effective filing date of August 10, 1999 based on priority from a number of U.S. provisional patent applications filed on that day. However, Applicants respectfully traverse the rejection because no evidence has been offered to confirm that the content of column 4, lines 51 to column 5, line 3 of Doty was set forth in its U.S. provisional patent application. Therefore, Applicants respectfully submit that Doty does not constitute prior art unless it is determined, and evidence is offered, that content identified by the Examiner within Doty is also contained in its provisional U.S. patent application.

§103(a) Rejection - Foreman in view of Gonsalves

Claims 1-3, 7-11, 13, 23-26 and 29-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent No. 6,469,711) in view of Gonsalves (U.S. Patent No. 6,571,255). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See *MPEP* §2143; see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, at a minimum, the combined teachings of the cited references do not describe or suggest all of the claim limitations.

For instance, with respect to independent claim 1, neither Foreman nor Gonsalves, alone or in combination, suggests (i) specifying from at least one source of a plurality of sources to access the images to be displayed in order to specify one or more types of images to be used in a visual presentation; (ii) accessing a plurality of presentation images, arranging of the presentation images, and organizing the presentation images in the visual presentation by the server; and (iii) transmitting the visual presentation from the server to a client. Applicants respectfully request the Examiner to provide evidence of such suggestion within either Foreman

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or Gonsalves in the event that the claims are still not considered by the Examiner to be in condition for allowance.

With respect to independent claim 23, neither Foreman nor Gonsalves, alone or in combination, suggests *inter alia* arranging the presentation images according to at least one characteristic *preselected by a user, the at least one characteristic being from a group consisting of a distance, a perspective, a magnification, and an angle*. The Office Action states that column 7, lines 24-26 of Foreman provide such teachings. Applicants respectfully disagree because Foreman describes the planning of the motion video program as set forth below.

The storyboard interface 52 enables a user to plan the motion video program to be prepared. In one aspect of the invention, storyboards or plans include filming tips and editing tips for common motion video programs.

This teaching by Foreman does not involve characteristic selection and clearly does not teach or suggest the arrangement of presentation images based on software and its subsequent execution of instructions as claimed. Applicants respectfully request that the Examiner elaborate as to how the storyboard interface (52) provides such suggestion of the claimed limitations in the event that the claims are still not considered by the Examiner to be in condition for allowance.

Hence, in light of the lack of teaching of the limitations set forth above, withdrawal of the §103(a) rejection as applied to claims 1 and 23 is respectfully requested.

§103(a) Rejection - Foreman in view of Gonsalves & Vasudevan

Claims 45 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves and Vasudevan (U.S. Patent No. 6,892,351). Applicants respectfully traverse the rejection. Applicants respectfully request that the Examiner reconsider the rejection as applied to claims 45 and 49. In addition, based on the dependency of claims 45 and 48 on independent claims 1 and 23, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 45 and 48 is respectfully requested.

§103(a) Rejection - Foreman in view of Gonsalves & Asami

Additionally, claims 38, 40, 43-44, 46-47 and 49-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves and Asami (U.S. Patent No. 6,747,674). With respect to independent claim 38, Applicants respectfully traverse the rejection because neither (i) Foreman, (ii) Gonsalves nor (iii) Asami, alone or in combination, suggests any of the following limitations:

means for accessing a plurality of presentation images *from at least one source remotely located from the computerized system*;

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means for receiving information identifying at least one characteristic to produce a visual presentation from a client, the at least one characteristic is from a group consisting of a distance and a magnification. Emphasis added.

Hence, in light of the lack of teaching of the limitations set forth above, withdrawal of the §103(a) rejection as applied to independent claim 38 is respectfully requested.

With respect to independent claim 49, Applicants respectfully traverse the rejection because neither Foreman, Gonsalves nor Asami, alone or in any combination, suggests the limitations of (i) selecting at least one characteristic being from the group including a distance, a perspective, a magnification, and an angle, (ii) specifying how quickly the visual presentation zooms in or out if the distance or magnification characteristic from the group is selected, and/or (iii) arranging the presentation images according to the at least one characteristic. Applicants respectfully request that the Examiner reconsider the rejection as applied to claim 49.

With respect to 40, 43-44, 46-47 and 50, Applicants respectfully request that the Examiner reconsider the rejection based on the amendments set forth above. In addition, since these claims are dependent on independent claims 38 and 49, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 40, 43-44, 46-47 and 50 is respectfully requested.

§103(a) Rejection - Foreman in view of Gonsalves & Danial

Claims 6, 19 and 28 were rejected 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves and Danial (U.S. Patent No. 5,940,806). Applicants traverse the rejection and request the Examiner to reconsider the rejection as applied to claims 6 and 28. However, based on the dependency of claims 6 and 28 on independent claims 1 and 23, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 6 and 28 is respectfully requested.

§103(a) Rejection - Foreman in view of Gonsalves & Asami & Danial

Also, claim 41 was rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves, Asami and Danial. Applicants respectfully traverse the rejection and request the Examiner to reconsider the rejection as applied to claim 41. Since claim 41 is dependent on independent claim 38, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claim 41 is respectfully requested.

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Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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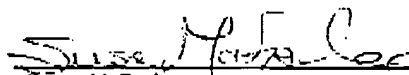
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